

Appl. No. : 10/608,354  
Filed : June 27, 2003

## REMARKS

### Amendments and Status of Claims

Following entry of the amendments submitted herewith, claims 36, 38-39, 41-43, 45-47, 95, 97-99, 101, 103-105, and 107-111 will be pending. Claims 1-35, 37, 40, 44, 48-94, 96, 100, 102, and 106 are canceled.

Claims 36, 41, 42, 45, 97, 104, and 108 are currently amended. Claims 109-111 are newly introduced. Support for the currently amended and newly introduced claims is found throughout the specification as filed. For example, support for the amendments to claims 36, 41, and 42 is found, for example, at page 8, lines 14-20, and in the claims as originally filed. Support for new claims 109-111 is found, for example, at page 37, lines 14-17. Accordingly, no new matter is introduced by way of these amendments and additions.

### Amendments to the Specification

The first sentence of the specification is amended to insert the US Patent No of U.S. Patent Application Serial No.09/076, 206, which is now issued as US Patent No 6,428,956. The first sentence is further amended for clarity.

### Amendments to the Drawings

Applicants provide herewith drawings amended so that each sequence encompassed by 37 C.F.R. § 1.821(a) is referred to by the use of the appropriate ‘SEQ ID NO:’ as set forth in the Sequence Listing. Accordingly, the amended drawings are in compliance with 37 C.F.R. § 1.821.

Figure 12 has been further amended to delete the statement ‘(Click here for MS/MS spectra of A-site and non-A-site binders.)’ No new matter is introduced by way of this amendment.

### Claim Objections

Applicants have corrected the typographical error in claim 42.

### Double Patenting Rejection

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The Examiner asserts that claims 36-41 are rejected under 35 U.S.C. 101 as allegedly claiming the same invention of U.S. Patent No. 6,656,690. The Examiner further asserts that claims 42-47 are rejected under 35 U.S.C. 101 as allegedly claiming the same invention of U.S. Patent No. 6,329,146. Applicants have amended instant claims 36, 41, and 42 to recite nucleic acids comprising at least one mismatched base pair, loop, bulge, kink, or stem structure. In view of the amendments submitted herewith, Applicants submit that instant claims 36-41 are no longer coextensive in scope with claims 27-32 of U.S. Patent No. 6,656,690. Additionally, Applicants submit that, in view of the amendments submitted herewith, instant claims 42-47 are no longer coextensive in scope with claims 10-15 of U.S. Patent No. 6,329,146. Accordingly, Applicants request that the double-patenting rejection be withdrawn.

The Examiner asserts that claims 95-104 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 27-32 of U.S. Patent No. 6,565,690. The Examiner further asserts that claims 105-108 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 10-15 of U.S. Patent No. 6,329,146. Applicant submit that the subject matter of the claimed invention and the commonly assigned U.S. Patent Nos 6,565,690 and 6,329,146 were commonly owned at the time the claimed invention was conceived. Applicants have filed herewith two terminal disclaimers in compliance with 37 C.F.R. § 1.321(c). Applicants request that the nonstatutory obviousness-type double patenting rejections be withdrawn.

## CONCLUSION

Applicants believe that all outstanding issues in this case have been resolved and that the present claims are in condition for allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to contact the undersigned at the telephone number provided below in order to expedite the resolution of such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 50-0252 referencing docket no. MSIBIS-0002USC2.

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